

REMARKS

In the Office Action, the Examiner rejected the claims under 35 USC §103. These rejections are fully traversed below. In addition, corrected drawings are submitted.

Claims 1-23 remain pending. Reconsideration of the application is respectfully requested based on the following remarks.

REJECTION OF CLAIMS UNDER 35 USC §103

In the Office Action, the Examiner rejected the claims under 35 USC §103 as being unpatentable over Malkin et al., U.S. Patent No. 6,061,650, ('Malkin' hereinafter) in view of Valentine et al, U.S. Patent No. US 2002/0058507 A1, ('Valentine' hereinafter).

Malkin discloses a method and apparatus for transparently providing mobile network functionality. See Title. Malkin describes a conventional process of operation of a remote node as it establishes a remote connection over a service provider's network. See col. 2, lines 13-40. The user dials into a Remote Access Server (RAS) via the remote node. The RAS, using a user name and other information provided by the remote node queries the service provider's Tunnel Management System (TMS) to obtain the address of the gateway to the remote node's home network. See col. 2, lines 26-40.

Each of claims 1, 18, 20, and 22 is directed to a method, computer-readable medium or apparatus for enabling a node visiting a Foreign Agent supporting Mobile IP to send IP packets including voice information via an IP address obtained from an H.323 gateway, the Foreign Agent being on a foreign network, comprising:

sending an agent advertisement, the agent advertisement identifying an H.323 gateway on the foreign network;

receiving a packet from the node, the packet being addressed to the H.323 gateway and requesting an IP address associated with a destination;

forwarding a packet including the requested IP address to the node; and

receiving an IP packet including voice information from the node, the IP packet being addressed to the IP address.

Malkin neither discloses nor suggests sending an agent advertisement identifying an H.323 gateway on the foreign network. Thus, Malkin neither discloses nor suggests receiving a packet from a node, where the packet is addressed to the H.323 gateway identified in the agent advertisement, where the packet requests an IP address associated with a destination.

Each of claims 15, 19, 21, and 23 is directed to a method, computer-readable medium or apparatus for enabling a node visiting a Foreign Agent on a foreign network to send IP packets including voice information via an IP address obtained from an H.323 gateway, comprising:

receiving an agent advertisement, the agent advertisement identifying an H.323 gateway on the foreign network;

sending a packet from the node, the packet being addressed to the H.323 gateway and requesting an IP address associated with a destination;

receiving a packet including the requested IP address; and

sending an IP packet including voice information from the node, the IP packet being addressed to the IP address.

Malkin neither discloses nor suggests receiving an agent advertisement identifying an H.323 gateway on the foreign network. Thus, Malkin neither discloses nor suggests sending a packet from the node, where the packet is addressed to the H.323 gateway identified in the agent advertisement.

Valentine fails to cure the deficiencies of the primary reference. In addition, neither of the cited references, separately or in combination, fail to teach the problem solved by the claimed invention. As set forth in the Background section of Applicant's specification, "In a Mobile IP environment, when a node roams to a Foreign Agent on a foreign network, calls are often set up through a gatekeeper on the roaming node's home network. This gatekeeper

will then select an H.323 gateway to the PSTN that is located on the home network associated with the roaming node's Home Agent. However, it is important to note that the distance between the Home Agent and the Foreign Agent may be substantial. Moreover, voice is particularly sensitive to latency. In view of the above, it would be desirable to improve the routing path in order to optimize voice over IP in a Mobile IP environment." Neither Valentine nor Malkin, separately or in combination, teach or suggest the problem that occurs when an H.323 gateway that is located on the home network is selected. Moreover, neither Valentine nor Malkin discloses or suggests improving the routing path in order to optimize voice over IP in a Mobile IP environment, or the need to do so due to sensitivity of voice traffic to latency.

The present invention optimizes voice over IP in a Mobile IP environment. This is accomplished, in part, by using a local H.323 gateway rather than an H.323 gateway on the home network when possible. In this manner, the routing path is minimized thereby reducing latency in the voice traffic. It is also important to note that through identification of a H.323 gateway in the Foreign Agent advertisement, the node may communicate with the H.323 gateway in the foreign network. Generally, a Mobile Node will receive an agent advertisement from a Foreign Agent when the Mobile Node is within the vicinity of the Foreign Agent. Thus, since the Foreign Agent is in the vicinity of the Mobile Node, the node will be able to identify an H.323 gateway on the foreign network such that the routing path is minimized. Neither of the cited references, separately or in combination, discloses or suggests a way to ensure that a H.323 gateway that is closest to the Mobile Node is contacted.


The dependent claims depend from one of the independent claims and are therefore patentable for at least the same reasons. However, the dependent claims recite additional limitations that further distinguish them from the cited references. Thus, it is submitted that the dependent claims are also patentable for at least the same reasons. The additional limitations recited in the independent claims or the dependent claims are not further discussed as the above discussed limitations are clearly sufficient to distinguish the claimed invention from Malkin in view of Valentine. Thus, it is respectfully requested that the Examiner withdraw the rejection of the claims under 35 USC §103.

Reconsideration of the application and an early Notice of Allowance are earnestly solicited. If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is

respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicants hereby petition for any extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 50-0388 (Order No. CISC150).

Respectfully submitted,
BEYER, WEAVER & THOMAS, LLP



Elise R. Heilbrunn
Reg. No. 42,649

BEYER, WEAVER & THOMAS, LLP
P.O. Box 778
Berkeley, CA 94704-0778
Tel. (510) 843-6200